



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: LIPP, Eberhard

SERIAL NO.: 09/858,137

ART UNIT: 1723

FILED: May 15, 2001

EXAMINER: COOLEY, C.E.

TITLE: VERTICAL MIXER

AMENDMENT "C"

Director of the U.S. Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of March 9, 2004, having a response being due by June 9, 2004, please consider the following remarks:

REMARKS

Upon entry of the present amendments, previous Claims 27 - 39 have been canceled and new Claims 40 - 48 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments present remarks, is respectfully requested. The present amendments have been entered for the purpose of placing the application into a proper condition for allowance.

In the Office Action, it was indicated that Claims 27, 37, 38 and 39 were rejected under 35 U.S.C. § 102(b) as anticipated by International Publication No. WO 93/19842. Claim 27 was also rejected under 35 U.S.C. § 102(b) as anticipated by the Marshall patent. Claim 27 was rejected under 35 U.S.C. § 102(b) as anticipated by German patent 3901552. The Examiner has also objected

to Claim 37 under 35 U.S.C. § 112, first paragraph and under 35 U.S.C. § 112, second paragraph.

The Specification was also objected to as failing to cancel the references to previous Figures 4 and 5. Importantly, the Examiner has indicated that Claims 28 - 36 are “objected to” as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including the limitations of the base and any intervening claims.

Although Applicant respectfully disagrees with the Examiner with respect to the prior art rejections, Applicant is desirous of obtaining patent protection for the present invention at an early date. As such, Applicant has placed those “objected to” claims into a proper independent form so as to secure allowance of the present application.


In particular, new independent Claim 40 reflects the limitations of previous independent Claim 27, along with the limitations of dependent Claim 28. Dependent Claims 41 - 48 correspond, respectively, to previous dependent Claims 29 - 36. Applicant has canceled the limitations found in Claims 37 - 39 herein in view of the Examiner’s objections.

Based upon the foregoing analysis, Applicant contends that independent Claim 40 is now in proper condition for allowance. Additionally, those claims which are dependent upon Claim 40 should also be in condition for allowance. Reconsideration of the rejections and allowance of the

claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

5-5-04
Date



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